

REMARKS

In the Office Action, the Examiner rejected claims 1-6 and 23-45 under 35 U.S.C. §102(e). This rejection is fully traversed below.

Claims 1, 30-32, 41 and 42 have been amended to further clarify the subject matter regarded as the invention. Claims 46 and 47 have been added to the application. Claims 1-6 and 23-45 remain pending. Reconsideration of the application is respectfully requested.

INTERVIEW SUMMARY

Applicants thank the Examiner for the in-person interview on May 14, 2009 regarding the above-identified application. In the interview, claims 1 and 32 were discussed as well as the Drosset et al. reference. Applicants indicated filing of an Amendment to address patentability of the applications along with amendments to clarify the invention being claimed.

PATENTABILITY OF CLAIMS 1-6 AND 23-45

In the Office Action, the Examiner rejected claims 1-6 and 23-45 under 35 U.S.C. §102(e) as being anticipated by Drosset et al., U.S. Patent 6,662,231. Applicants respectfully disagree.

Drosset et al. describes a method and system for providing audio service to a client through a communication network. The basic operation of the audio service in Drosset et al. is stated as:

A user subscribes to the service and the user's access to audio files is contingent upon authorization and validation. Once authorized, the user may access and stream out audio date files, or similar types of files, to the client device through the communication network.

See abstract.

Thus, the essence of Drosset et al. is to stream audio data files to a client device over a communication network.

In contrast, the claim 1 is generally associated with enabling client machines to access, via a network, a media database residing on a server. More particularly, claim 1

pertains to a method for retrieving media across a network. Among other things, claim 1 recites:

- querying a server for database enumeration;
- receiving a response to the database enumeration query that includes at least information about at least one digital media database, wherein the information about the at least one digital media database includes at least metadata about one or more remote records within the at least one digital media database, and wherein the one or more remote records pertain to one or more of digital media, digital media metadata or media collection data;
- querying the server for information required to populate one or more local records associated with the metadata after receiving the metadata;
- receiving the information required to populate the one or more local records associated with the metadata in response to the querying of the server;
- populating the one or more local records after receiving the information required to populate the one or more local records, thereby effectively providing one or more populated records based on the metadata associated with the one or more remote records; and
- subsequently retrieving digital media associated with at least one of the populated records.

Claim 1, lines 2-18.

The rejection in the Office Action appears to rely on columns 6 and 7 of Drosset et al. and, in particular, to step 260 shown in Fig. 7. Here, Drosset et al. is requesting from a server a list of audio items within a playlist. As noted col. 6, lines 44-59 of Drosset et al. states:

Server 80, using the Play List ID received in message 260, sends a list query message 262 to database 90. Responsive to the Play List ID value in list query 262, database 90 obtains the pointer from the user data table of FIG. 2 responding to the Play List ID and retrieves the Audio ID values from the play list for incorporation in the list reply message 264 to server 80. Server 80 then begins to play the audio files of the play list selected by the user in message 262 by sending an audio query 266 containing the first Audio ID value to database 90, which retrieves the audio data for the Audio ID value and incorporates it into

audio reply message 268 to server 80.

Server 80 then proceeds to stream out audio data file 1 to the client device in a sequence of packets 270A-270D, until play-out of the audio file is complete. Server 80 then logs the duration of the play-out of the first audio file and proceeds to query the database 90 for the second audio file in the play list. Database 90 searches for the audio data file corresponding to the Audio ID value provided in audio query 280 and returns it to the server for play-out to the client device. The user may advance to the play list by requesting a move-up in the play list in message 288 to server 80.

In effect, a user of the client device can select a playlist and then the server 80 can begin to stream an audio file from the selected playlist.

The database 90 stores the audio data that is streamed to the client device. Although the client device can use the server to access the database 90, nothing in Drosset et al. teaches or suggests that data from the database 90 is itself copied to the client device for local records of a local database.

The Examiner also makes reference to the use of playlists in Drosset et al. as populating local records of a local database. The Examiner makes reference to Drosset et al., col. 7, lines 1-12. More completely, col. 6, line 60 to col. 7, line 49 pertains to users being able to select audio files to be in a playlist. However, such merely discusses creation, modification or deletion of playlist(s) provided in the database 90 coupled to the server 80. Figs. 1 and 7 clearly indicate that the database 90 is a networked (or remote) database accessibly over a public IP network 70. Drosset et al., therefore, offers no teaching or suggestion for a local database that populates its local records.

While Drosset et al. does permit a user to create, modify or delete a playlist, the playlist resides in the database 90 that is accessed via the server 80. At best, the client can perhaps display a playlist provided by the server 80 from the database 90. As such, nothing in nothing in Drosset et al. teaches or suggests that a playlist can be stored locally at the client device in records of a local database.

Still further, claim 1 also recites: "wherein the one or more local records are part of a local database, and wherein said populating of the one or more local records operates to replicate at least a portion of the digital media database to the local database." This

language further indicates that the population of the local records operates to form a local database which is at least in part serving to replicate at least a portions of a central database. Drosset et al. is not forming a local database. Indeed, the streaming in Drosset et al. teaches away from storing media information locally in a local database. See, e.g., col. 6, lines 6-10, “streaming applications present less opportunity for a user to copy and disseminate an audio file, thereby affording greater protection to the owner of the audio file.”

Accordingly, it is submitted that claim 1 is patentably distinct from Drosset et al.

Claim 30 pertains to a server for retrieving digital media, and claim 32 pertains to a computer readable medium for retrieving digital media. These claims recite limitations similar to those discussed above regarding claim 1, though in a means-plus-function format or a computer readable format. Nevertheless, for reasons similar to those noted above with respect to claim 1, it is submitted that claims 30 and 32 are also patentably distinct from Drosset et al. for at least the above-noted reasons.

Claim 31 pertains to a server for providing digital media to one or more devices. Claim 31 recites a processing unit configured to provide at least:

means for receiving a query from a device for database enumeration;

means for sending the features of the server to the device in response to the query, the features including enumeration data about at least one digital media database, wherein the information about the at least one digital media database includes at least metadata about one or more records within the at least one digital media database, wherein the metadata can be used by the device to locally present one or more local records at the device as a first local presentation of at least a portion of the at least one digital media database, and wherein the records pertain to one or more of digital media, digital media metadata or media collection data...

means for receiving a query from a device for database enumeration;

means for sending the features of the server to the device in response to the query, the features including enumeration data about at least one digital media database, wherein the information about the at least one digital media database includes at least metadata about one or more records within the at least one digital

media database, wherein the metadata can be used by the device to locally present one or more local records at the device as a first local presentation of at least a portion of the at least one digital media database, and wherein the records pertain to one or more of digital media, digital media metadata or media collection data;

means for receiving a querying from the device for information required by the device to populate the one or more local records associated with the first local presentation;

means for sending the device information required to populate the one or more local records associated with the first local presentation, thereby allowing the device to populate the one or more local records after receiving the information required to populate the one or more local records in order to present the one or more local records as one or more populated records;

means for receiving a subsequent query from the device regarding at least one of the one or more populated records; and

means for sending digital media associated with the at least one populated record after receiving the second query from the device,

wherein the one or more local records are part of a local database provided at the device, and wherein population of the one or more local records at the device operates to replicate at least a portion of the digital media database to the local database.

Claim 31 thus populates local records in a local database using information provided by a digital media database. Claim 31 also recites that “population of the one or more local records at the device operates to replicate at least a portion of the digital media database to the local database.” Hence, for reasons similar to those noted above with respect to claim 1, it is submitted that claim 31 is patentably distinct from Drosset et al.

In addition, claim 41 pertains to a computer readable medium for providing digital media to one or more devices. For reasons similar to those noted above with respect to claim 31, it is submitted that claim 41 is also patentably distinct from Drosset et al.

Based on the foregoing, it is submitted that all claims are patentably distinct over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, it is

respectfully requested that the Examiner withdraw the rejection to claims 1-7 and 23-41 under 35 U.S.C. §103(a).

SUMMARY

It is submitted that claims 1-7 and 23-45 are patentably distinct from the cited references. Reconsideration of the application and an early Notice of Allowance are earnestly solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 504298 (Order No. 101-P272D1).

Respectfully submitted,

/C. Douglass Thomas/

C. Douglass Thomas
Reg. No. 32,947

Technology & Innovation Law Group, PC
19200 Stevens Creek Blvd., Suite 240
Cupertino, CA 95014
408-252-9991
408-252-9993 (fax)